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A NEW YORK LIMITED LIABILITY PARTNERSHIP

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WRITERS DIRECT DIAL NUMBER

(202) 682-3501

February 1, 1999

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FEB - 1 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: MM Docket No. 98-223  
RM-9340  
Cherry Valley, Arkansas

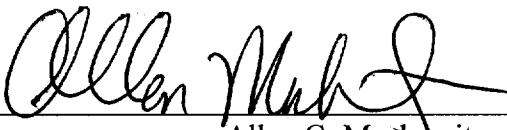
Dear Ms. Salas:

On behalf of Woodruff County Broadcasting, we are herewith filing an original and four (4) copies of its "Comments and Counterproposal" in the above-referenced rulemaking docket which proposes the assignment of Channel 257A to Cherry Valley, Arkansas.

Should any questions arise with respect to this matter, please contact the undersigned counsel.

Respectfully submitted,

KAYE, SCHOLER, FIERMAN, HAYS & HANDLER, LLP

By:   
Allan G. Moskowitz

No. of Copies rec'd  
List ABCDE

0+4

# Federal Communications Commission

WASHINGTON, D.C. 20554

RECEIVED

FEB - 1 1999

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MM Docket No. 98-223
Table of Allotments,	)	RM-9340
FM Broadcast Stations.	)	
(Cherry Valley, Arkansas)	)	

TO: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

## COMMENTS AND COUNTERPROPOSAL

Woodruff County Broadcasting ("Woodruff"), by its counsel, is herewith submitting comments, pursuant to the Commission's Notice of Proposed Rule Making in the above-referenced docket, released December 11, 1998, which proposed the allotment of Channel 257A to Cherry Valley, Arkansas, as that community's first local aural transmission service at the initiation of ALALATEX Broadcasters.

On November 16, 1998, Woodruff filed a Petition for Rulemaking to request the assignment of Channel 257A to Cotton Plant, Arkansas, as that community's first local service.

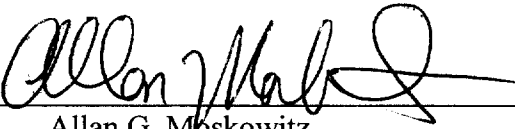
Attached hereto is the letter of Jefferson G. Brock of Graham Brock, Inc., consulting engineer to Woodruff, which includes a spacing study reflecting that the proposal by ALALATEX Broadcasters for Channel 257A to Cherry Valley, Arkansas, is mutually-exclusive to the proposal to assign Channel 257A to Cotton Plant, Arkansas, filed by Woodruff.

Woodruff County Broadcasting has the present intention of submitting an application for a new FM radio station construction permit for Channel 257A at Cotton Plant, Arkansas, if the Commission assigns that channel. Further, Woodruff presently commits itself to construct the station as expeditiously as possible if its application is granted.

Consequently, Woodruff respectfully submits that the Commission must consider its mutually-exclusive proposal to allot Channel 257A to Cotton Plant, Arkansas, as a Counterproposal in the instant proceeding. For convenience, a copy of Woodruff's Petition for Rulemaking is attached hereto.

Respectfully submitted,

WOODRUFF COUNTY BROADCASTING

By:   
Allan G. Moskowitz  
Its Attorney

KAYE, SCHOLER, FIERMAN, HAYS & HANDLER, LLP  
901 15th Street, N.W., Suite 1100  
Washington, D.C. 20005  
(202) 682-3500

February 1, 1999

# GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

February 1, 1999

Via Facsimile 202-682-3580

Alan Moskowitz  
Kaye, Scholer, Fierman, Hays & Handler  
901 15th Street, NW  
Suite 1100  
Washington, DC 20005

RE: New FM Allotment  
Cotton Plant, Arkansas

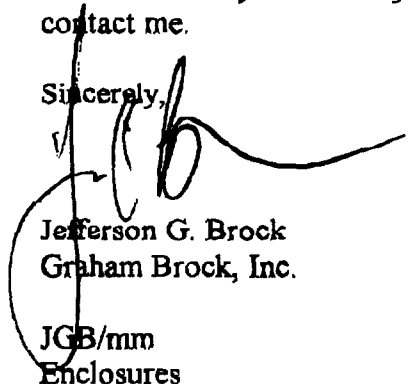
Dear Alan:

I have reviewed the Notice of Proposed Rule Making in MM Docket #98-223 seeking to allot Channel 257A to Cherry Valley, Arkansas. In November 1998 we prepared a Petition for Rule Making on behalf of Woodruff County Broadcasting seeking to allot Channel 257A to Cotton Plant, Arkansas, as that community's first broadcast service.

As you can see on the attached Channel 257A spacing study, utilizing the site proposed for Cotton Plant, the proposed request for Channel 257A at Cherry Valley is clearly mutually exclusive with the proposed Cotton Plant allocation. As such, the Woodruff County Broadcasting petition should be considered a counterproposal to the Cherry Valley filing.

Should you have any questions regarding this information, please do not hesitate to contact me.

Sincerely,



Jefferson G. Brock  
Graham Brock, Inc.

JGB/mm  
Enclosures

cc: Woodruff County Broadcasting

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912-638-8028 • 202-393-5133 • FAX 912-638-7722  
[www.grahambrock.com](http://www.grahambrock.com)

Graham Brock Inc. - Broadcast Technical Consultants  
St. Simons Island GA - Washington DC

ALLOCATION STUDY FOR COTTON PLANT, ARKANSAS  
USING PROPOSED SITE AS REFERENCE

REFERENCE		CLASS A				DISPLAY DATES		
34 55 32 N		Current rules spacings				DATA	01-22-99	
91 09 32 W		CHANNEL 257 - 99.3 MHz				SEARCH	02-01-99	
CALL TYPE		CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
AD257		257A	Cotton Plant	AR	0.0	0.0	115.0	-115.00
AD		34 55 32	91 09 32	0.000 kW	0M	0.0	70.0	
Woodruff County Broadcasting								
AD257		257A	Cherry Valley	AR	23.7	66.35	115.0	-48.65
AD		35 28 21	90 51 51	0.000 kW	0M	41.2	71.5	
AlalateX RM-9340								
KZYP		257A	Pine Bluff	AR	225.1	115.01	115.0	0.01
LI CN		34 11 33	92 02 42	3.000 kW	48M	71.5	71.5	
Kcla, Inc. BLH-841129LP								
AP256		256A	Pangburn	AR	313.6	72.03	72.0	0.03
AP ZCN		35 22 14	91 44 04	6.000 kW	100M	44.8	44.8	
White County Broadcasting, L.P. BPH-970723MG								
WYMX		256C	Greenwood	MS	154.2	166.12	165.0	1.12
LI CY		33 34 35	90 22 34	100.000 kW	300M	103.2	102.6	
TeleSouth Communications, Inc. BLH-890724KB								
WYMX.A		256C	Greenwood	MS	154.2	166.15	165.0	1.15
AP CY		33 34 34	90 22 34	100.000 kW	300M	103.3	102.6	
TeleSouth Communications, Inc. BPH-980924IG								
ALOPEN		256A	Pangburn	AR	314.4	83.29	72.0	11.29
AL N		35 26 52	91 48 57	0.000 kW	0M	51.8	44.8	
MM Docket #96-247 Window Closed 07-23-97								
AP256		256A	Pangburn	AR	314.5	89.36	72.0	17.36
AP CN		35 29 14	91 51 44	6.000 kW	100M	55.5	44.8	
Red River Radio BPH-970723MN								
WMCFM		259C	Memphis	TN	76.5	119.18	95.0	24.18
LI EY		35 10 09	89 53 12	300.000 kW	277M	74.1	59.0	
ELCOM of Memphis, Inc. BMLH-870507KC								
KYFX		258A	Little Rock	AR	260.6	105.30	72.0	33.30
LI CN		34 45 58	92 17 38	3.000 kW	95M	65.4	44.8	
Nameloc Broadcasting BLH-920831KC								

**STAMP AND RETURN**

KAYE, SCHOLER, FIERMAN, HAYS & HANDLER, LLP

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LOS ANGELES, CA 90067-6048  
(310) 788-1000  
FAX (310) 788-1200

WRITER'S DIRECT DIAL NUMBER  
(202) 682-3501

November 16, 1998

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

**RECEIVED**

**NOV 16 1998**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Petition for Rulemaking  
Cotton Plant, Arkansas

Dear Ms. Salas:

On behalf of Woodruff County Broadcasting, we are herewith filing an original and four (4) copies of its "Petition for Rulemaking" to assign Channel 257A to Cotton Plant, Arkansas.

Should any questions arise with respect to this matter, please contact the undersigned counsel.

Respectfully submitted,

KAYE, SCHOLER, FIERMAN, HAYS & HANDLER, LLP

By:   
Allan G. Moskowitz

# Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MM Docket No. _____
Table of Allotments,	)	RM- _____
FM Broadcast Stations.	)	
(Cotton Plant, Arkansas)	)	

TO: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

## PETITION FOR RULEMAKING

Woodruff County Broadcasting ("Woodruff"), by its counsel and pursuant to Section 303 of the Communications Act of 1934, as amended, hereby requests that the Commission amend Section 73.202(b) of the Commission's Rules to request the assignment of Channel 257A to Cotton Plant, Arkansas, as that community's first local service. In support thereof, the following is respectfully shown:

1. Cotton Plant, Arkansas, an incorporated community, has 1,150 residents and is located in the southern portion of Woodruff County, Arkansas. Cotton Plant has an elected Mayor and a six member Town Council. The city has its own police and fire personnel, and provides water and sewer services to its residents. Cotton Plant has two schools, numerous churches and businesses, and a library. No AM or FM stations are currently licensed to Cotton Plant, either commercial or non-commercial. Consequently, the allocation of Channel 257A to Cotton Plant, Arkansas will constitute its first local service.

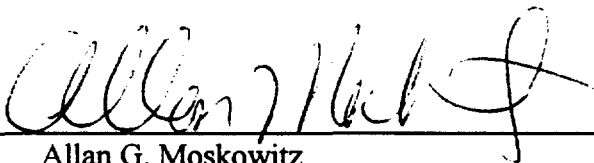
2. Attached hereto as Exhibit 1 is the Engineering Statement of Jefferson G. Brock of Graham Brock, Inc., consulting engineer to the petitioner. Mr. Brock's statement indicates that Section 73.202(b) of the Commission's Rules could be amended to include the allocation of Channel 257A at Cotton Plant, Arkansas, pursuant to the Commission's allocation criteria and in compliance with Section 73.207 of the Commission's Rules.

3. Finally, Woodruff County Broadcasting has the present intention of submitting an application for a new FM radio station construction permit for Channel 257A at Cotton Plant, Arkansas, if the Commission assigns that channel. Further, Woodruff presently commits itself to construct the station as expeditiously as possible if its application is granted.

WHEREFORE, for the foregoing reasons, Woodruff County Broadcasting respectfully requests that the Commission amend Section 73.202(b) of the Commission's Rules to allocate Channel 257A for a new full-service FM radio station for Cotton Plant, Arkansas.

Respectfully submitted,

WOODRUFF COUNTY BROADCASTING

By:   
Allan G. Moskowitz  
Its Attorney

KAYE, SCHOLER, FIERMAN, HAYS & HANDLER, LLP  
901 15th Street, N.W., Suite 1100  
Washington, D.C. 20005  
(202) 682-3500

November 16, 1998

**EXHIBIT 1**

# GRAHAM BROCK, INC.

---

BROADCAST TECHNICAL CONSULTANTS

**PETITION FOR RULE MAKING**  
**WOODRUFF COUNTY BROADCASTING**  
**ALLOT CHANNEL 257A**  
**COTTON PLANT, ARKANSAS**  
**November 1998**

**TECHNICAL EXHIBIT**

***Copyright 1998***

**PETITION FOR RULE MAKING**  
**WOODRUFF COUNTY BROADCASTING**  
**ALLOT CHANNEL 257A**  
**COTTON PLANT, ARKANSAS**  
**November 1998**

**TECHNICAL STATEMENT**

1. This technical statement and attached exhibits were prepared on behalf of Woodruff County Broadcasting ("WCB"), the petitioner seeking the allotment of Channel 257A to Cotton Plant, Arkansas. The allotment will provide Cotton Plant with its first local transmission service.

**DISCUSSION**

2. The city of Cotton Plant, Arkansas, is located in the southern portion of Woodruff County, Arkansas. Cotton Plant is an incorporated community with a population of 1,150 persons.<sup>1</sup> Cotton Plant presently has no licensed AM or FM facilities. The allocation of Channel 257A would, therefore, provide the community with its first local transmission service. Cotton Plant is governed by a Mayor and six member Town Council. The city of Cotton Plant provides its own Police, Fire and water/sewer services. Cotton Plant has two schools, more than 10 churches and numerous businesses.

**REQUEST**

3. Channel 257A can be allotted to Cotton Plant, Arkansas, with a site restriction of 13.5 kilometers southeast of the community to avoid shortspacing the vacant, but applied for, Channel 256A at Pangburn, Arkansas. Channel 257A can be allotted at geographic coordinates North Latitude 34° 55' 32" and West Longitude 91° 09' 32". Exhibit #1 is a map which visually demonstrates where a transmitter site for Channel 257A can be located to provide the requisite

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1) 1990 Census data, U.S. Census of Arkansas 1990 CPH-2-5

city grade coverage to Cotton Plant. Exhibit #2 is a §73.207 spacing study which shows that from the proposed allocation site, Channel 257A meets the spacing requirements to all existing, applied for or proposed facilities. From the reference site, a 3.16 mV/m contour will be placed over 100% of the city of Cotton Plant.

4. Therefore, WCB requests the following amendment to §73.202(b) of the rules:

**Cotton Plant, Arkansas**

Present  
None

Proposed  
257A

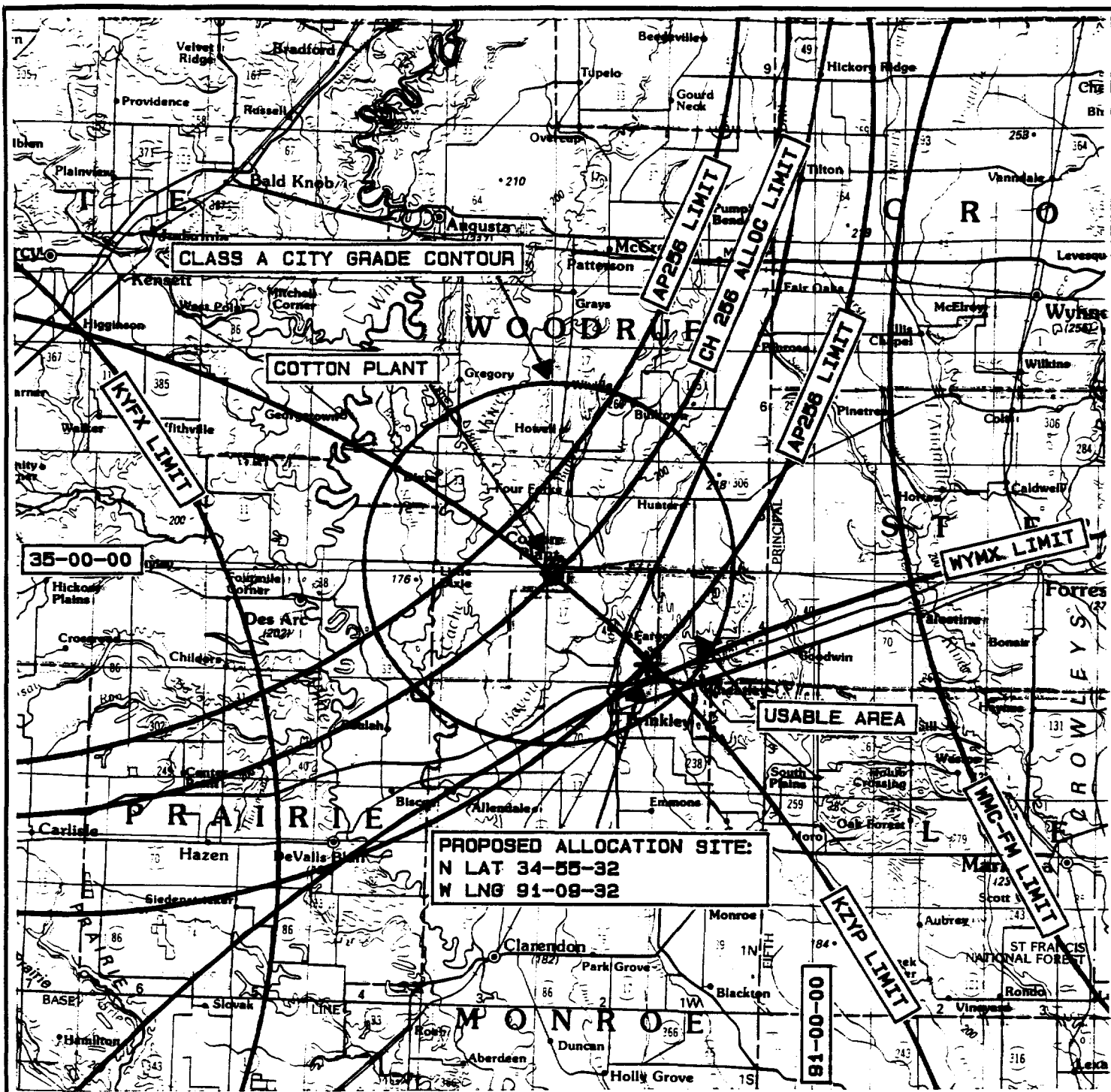
**PUBLIC INTEREST**

5. The allotment of Channel 257A to Cotton Plant, Arkansas, will provide the first local service to the community. A maximum Class A facility will deliver a 1.0 mV/m signal to 15,126 persons in 2,511.7 square kilometers.<sup>2</sup> When Channel 257A is allocated to Cotton Plant, WCB will file, on a timely basis, the appropriate expression of interest or an application for a construction permit, whichever is necessary, seeking authority to construct a new FM facility at Cotton Plant, Arkansas.

6. The foregoing Technical Statement was prepared on behalf of Woodruff County Broadcasting by Graham Brock, Inc., its Technical Consultant. All information relating to the FM allocations and facilities was extracted from the NTIA database as updated on November 7, 1998. We assume no liability for errors or omissions in that database which may be adverse to the requests contained herein.

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2) Population data extracted from the PL 94-171 files.



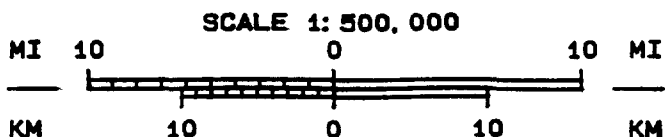
# USABLE AREA MAP

MAP IS A PORTION OF THE 1: 500, 000 SCALE  
U.S.G.S. BASE STATE MAP OF ARKANSAS.

## EXHIBIT #1

PETITION FOR RULE MAKING  
WOODRUFF CO. BROADCASTING  
ALLOT CHANNEL 257A  
COTTON PLANT, ARKANSAS

November 1998



**GRAHAM BROCK, INC.**

BROADCAST TECHNICAL CONSULTANTS

ALLOCATION STUDY FOR COTTON PLANT, ARKANSAS  
USING PROPOSED SITE AS REFERENCE

REFERENCE	CLASS A	DISPLAY DATES
34 55 32 N		DATA 11-07-98
91 09 32 W	Current rules spacings	SEARCH 11-12-98
----- CHANNEL 257 - 99.3 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
AD257	257A	Cotton Plant	AR	0.0	0.00	115.0	-115.00
AD	34 55 32	91 09 32	0.000 kW	0M	0.0	71.5	
Woodruff County Broadcasting							
KZYP	257A	Pine Bluff	AR	225.1	115.01	115.0	0.01
LI CN	34 11 33	92 02 42	3.000 kW	48M	71.5	71.5	
Kcla, Inc. BLH-841129LP							
AP256	256A	Pangburn	AR	313.6	72.03	72.0	0.03
AP CN	35 22 14	91 44 04	6.000 kW	100M	44.8	44.8	
White County Broadcasting BPH-970723MG							
WYMX	256C	Greenwood	MS	154.2	166.12	165.0	1.12
LI CY	33 34 35	90 22 34	100.000 kW	300M	103.2	102.6	
TeleSouth Communications, Inc BLH-890724KB							
WYMX.A	256C	Greenwood	MS	154.2	166.15	165.0	1.15
AP CY	33 34 34	90 22 34	100.000 kW	300M	103.3	102.6	
TeleSouth Communications, Inc BPH-980924IG							
ALOPEN	256A	Pangburn	AR	314.4	83.29	72.0	11.29
AL N	35 26 52	91 48 57	0.000 kW	0M	51.8	44.8	
MM Docket #96-247 Window Closed 07/23/97							
AP256	256A	Pangburn	AR	314.5	89.36	72.0	17.36
AP CN	35 29 14	91 51 44	6.000 kW	100M	55.5	44.8	
Red River Radio BPH-970723MN							
WMCFM	259C	Memphis	TN	76.5	119.18	95.0	24.18
LI EY	35 10 09	89 53 12	300.000 kW	277M	74.1	59.0	
ELCOM of Memphis, Inc. BMLH-870507KC							
WMCFM	259C	Memphis	TN	76.4	119.21	95.0	24.21
LI CN	35 10 13	89 53 12	36.000 kW	81M	74.1	59.0	
ELCOM of Memphis, Inc. BLH-841127KX							
KYFX	258A	Little Rock	AR	260.6	105.30	72.0	33.30
LI CN	34 45 58	92 17 38	3.000 kW	95M	65.4	44.8	
Nameloc Broadcasting BLH-920831KC							

CHANNEL 257A SPACING STUDY

EXHIBIT #2

PETITION FOR RULE MAKING  
WOODRUFF CO. BROADCASTING  
ALLOT CHANNEL 257A  
COTTON PLANT, ARKANSAS

November 1998

**GRAHAM BROCK, INC.**

BROADCAST TECHNICAL CONSULTANTS

**AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT**

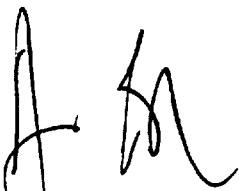
*State of Georgia )*  
*St. Simons Island ) ss:*  
*County of Glynn )*

**JEFFERSON G. BROCK**, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Woodruff County Broadcasting to prepare the attached Technical Exhibit.

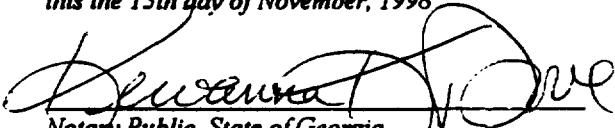
His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

*This the 13th day of November, 1998.*

  
\_\_\_\_\_  
Jefferson G. Brock  
*Affiant*

*Sworn to and subscribed before me  
this the 13th day of November, 1998*

  
\_\_\_\_\_  
Notary Public, State of Georgia  
My Commission Expires: April 20, 2002

**CERTIFICATE OF SERVICE**

I, Diane E. Bateman, of the law firm Kaye, Scholer, Fierman, Hays & Handler, LLP, do hereby certify that on this 16th day of November, 1998, a copy of the foregoing "Petition for Rulemaking" was hand-delivered to the following:

John A. Karousos  
Chief, Allocations Branch  
Mass Media Bureau  
Federal Communications Commission  
2000 M Street, N.W.  
5th Floor  
Washington, D.C. 20554

  
\_\_\_\_\_  
Diane E. Bateman

**CERTIFICATE OF SERVICE**

I, Diane E. Bateman, of the law firm Kaye, Scholer, Fierman, Hays & Handler, LLP, do hereby certify that on this 1st day of February, 1999, a copy of the foregoing "Comments and Counterproposal" was sent via First Class U.S. Mail, postage prepaid, to the following:

John A. Karousos \*  
Chief, Allocations Branch  
Mass Media Bureau  
Federal Communications Commission  
2000 M Street, N.W.  
5th Floor  
Washington, D.C. 20554

Jean Hill  
ALALATEX Broadcasters  
6101 Bayou Road  
Mobile, AL 36605

  
\_\_\_\_\_  
Diane E. Bateman

\* Via Hand-Delivery